

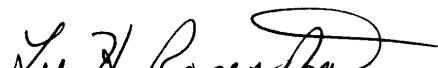
**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

TERRY SMITH, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. G-07-428
§
MICHAEL ASTRUE, COMMISSIONER §
OF SOCIAL SECURITY ADMIN. §
§
Defendant. §

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on July 21, 2008 and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). No objections have been filed. This court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court finds and concludes that the proper legal standards to applied and that the Commissioner's decision to deny benefits was supported by substantial evidence. The plaintiff's motion for summary judgment is denied. Final judgment dismissing this case is entered by separate order.

SIGNED on August 15, 2008, at Houston, Texas.



Lee H. Rosenthal
United States District Judge